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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s): Lornell Omediga Holley	Case No:	13-72910-FJS
This plan, dated August 19, 2013, is:		
the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the confirmed or unconfirmed Plan dated.		·
Date and Time of Modified Plan Confirming Hearing:		
Place of Modified Plan Confirmation Hearing:		
The Plan provisions modified by this filing are:		
Creditors affected by this modification are:		

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$305,631.84

Total Non-Priority Unsecured Debt: \$812.00

Total Priority Debt: \$0.00

Total Secured Debt: \$129,477.02

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- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$277.00 for 60 months. Other payments to the Trustee are as follows: NONE . The total amount to be paid into the plan is \$ 16,620.00 . THE DEBTOR'S FIRST PLAN PAYMENT IS DUE ON SEPTEMBER 4, 2013; ALL SUBSEQUENT PAYMENTS WILL BE DUE ON THE 4TH OF THE MONTH.
- 2. Priority Creditors. The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$ 2,200.00 PLUS COSTS IN THE AMOUNT OF \$57.16 balance due of the total fee of \$ 3,057.16 concurrently with or prior to the payments to remaining creditors.

All costs associated not to exceed \$300.00 excluding Court filing fees; attorney will provide itemization of costs.

Costs incurred thus far are: Postage for 341 Letter: \$0.46

Plan Copies: 12 Pages in Plan x .15 per Page: \$1.80

9 Plans x \$1.80 per Plan: \$16.20 \$0.46 Postage per Plan x 9 Plans: \$4.14

Additional Creditor: \$30.00

Notice to Additional Creditor: 4 Pages in Notice x .15 per Page: \$0.60

6 Notices x \$0.60 per Notice: \$3.60

\$0.46 Postage per Notice x 6 Notices: \$2.76

TOTAL COSTS INCURRED AS OF AUGUST 19, 2013: \$57.16

B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor -NONE-

Type of Priority

Estimated Claim

Payment and Term

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

Creditor -NONE-

Collateral

Purchase Date

Est Debt Bal.

Replacement Value

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B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

Creditor -NONE-

Collateral Description

Estimated Value

Estimated Total Claim

C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor

Collateral Description

Adeq. Protection Monthly Payment

To Be Paid By

-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Creditor

Collateral

Approx. Bal. of Debt or "Crammed Down" Value

Interest Rate

Monthly Paymt & Est. Term**

-NONE-

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 100 %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately 100 %.
- B. Separately classified unsecured claims.

Creditor -NONE-

Basis for Classification

Treatment

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- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

	provided for in the loan agreement.	ignated below for interest to	be paid on the a	rrearage c	claim and such	interest is
Creditor IndyMac Me Services	Collateral ortgage 3301 Andrews Drive, Chesapeake, VA 23323-	Regular Contract <u>Payment</u> 1,421.51		rrearage Interest <u>Rate</u> 0%	Estimated Cure Period 1 months	Monthly Arrearage <u>Payment</u> Prorata
	CMA: \$220,722.00 Tax Assessment: \$216,1 GPIN # 0331007000180	100.00				
В.	Trustee to make contract payment regular contract monthly payments the debts shall be cured by the Trustee elelow.	hat come due during the peri	iod of this Plan, a	and pre-pe	etition arrearag	es on such
Creditor -NONE-	<u>Collateral</u>	Regular Contract <u>Payment</u>	Estimated I Arrearage	Interest <u>Rate</u>	Term for Arrearage	Monthly Arrearage <u>Payment</u>
C.	Restructured Mortgage Loans to le constituting the debtor(s)' principal repayment under the Plan is due shall 1322(c)(2) with interest at the rate specific parameters.	esidence upon which the las be paid by the Trustee during	t scheduled cont	ract paym	ent is due befor	re the final
Credit	or <u>Collateral</u>	Interest <u>Rate</u>	Estimated <u>Claim</u>	Mont	hly Paymt& Es	t. Term**
6. Une leas	xpired Leases and Executory Contract es listed below.	s. The debtor(s) move for as	sumption or reje	ction of t	ne executory co	entracts and
Α.	Executory contracts and unexpire	d leases to be rejected. The	e debtor(s) reject	the follo	wing executory	contracts.
Creditor -NONE-	Type of Co	ntract				
В.	Executory contracts and unexpired contracts. The debtor agrees to abid arrearages, if any, through payments	e by all terms of the agreeme	ent. The Trustee	will pay	the pre-petition	ı

<u>Creditor</u> <u>Type of Contract</u>

below.

Arrearage

Monthly Payment for Arrears

Estimated Cure Period

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- 7. Liens Which Debtor(s) Seek to Avoid.
 - A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor -NONE-

Collateral

Exemption Amount

Value of Collateral

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor -NONE-

Type of Lien

Description of Collateral

Basis for Avoidance

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- 9. Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the Plan.

 Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- 10. Incurrence of indebtedness. The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.

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11. Other provisions of this plan:	:		
*Except for the disbursements outline	d in 2(A)(1), the disburseme	ents by the Trustee shall be made in tl	he
following order, with each type being	g paid in full, before disburs	sements are	
started on the next type:			
a. Priority attorney fees			
b. Secured claims including arrearage	es on real estate	÷	
c. Other priority claims			
d. Cosigned claims under 1322(b)(1)			
e. Other non-dischargeable claims exc	cluding student loans		
f. General unsecured claims			
Signatures:			
Dated: August 19, 2013		.	
/s/ Lornell Omediga Holley		/s/ James L. Pedigo, Jr., E	COLLINA
Lornell Omediga Holley		James´L. Pedigo, Jr., Esq	
Junes fel		Debtor's Attorney	en e
•	udget (Schedules I and J); eved with Plan		
certify that on <u>August 19, 2013</u> , I	Certificate of mailed a copy of the foregoin		on the attached Service
List.		The state of the s	
	/s/ James L. Pedigo, Jr., E James L. Pedigo, Jr., E		
	Signature	-3qune 301 30	
	500 East Main Street		
	Suite 1230 Norfolk, VA 23510		
	Address		
	757.622.1621		
· ·	Telephone No.		

Ver. 09/17/09 [effective 12/01/09]

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United States Bankruptcy Court Eastern District of Virginia

In re	Lornel	l Omediga Holley		Case No.	13-72910-FJS
			Debtor(s)	— Chapter	13
		SPECIAI	L NOTICE TO SECURED CR	EDITOR	
		ic Mortgage Services ox 4045			
То:	Kalama	zoo, MI 49003-4045			
	Name o	f creditor			
	3301 A	ndrews Drive, Chesapeake, V	A 23323-1944		
	CMA: \$	220,722.00			
	Tax As	sessment: \$216,100.00 0331007000180			
	Descrip	otion of collateral		A-14-4-1	
1.	The att	ached chapter 13 plan filed by the	ne debtor(s) proposes (check one);		
			Section 3 of the plan. Your lien will be treated		
		To cancel or reduce a judgmen Section 7 of the plan. All or a	nt lien or a non-purchase money, non-po a portion of the amount you are owed w	ossessory security	y interest you hold. See an unsecured claim.

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2. You should read the attached plan careful the proposed relief granted, unless you file and served A copy of the objection must be served on the debto.	Ily for the details of how your claim is treated. The plan may be confirmed, and e a written objection by the date specified and appear at the confirmation hearing. r(s), their attorney, and the chapter 13 trustee.
Date objection due:	October 15, 2013
Date and time of confirmation hearing:	October 22, 2013 at 10:00 am
Place of confirmation hearing:	United States Bankruptcy Court, Walter E. Hoffman Courthouse, 600 Granby Street, 4th Floor, Courtroom II, Norfolk, VA 23510
	Lornell Omediga Holley
	Name(s) of debtor(s)
	By: /s/ James L. Pedigo, Jr., Esquire
	James Ł. Pedigo, Jr., Esquire 30796
	Signature
	Debtor(s)' Attorney Pro se debtor
	James L. Pedigo, Jr., Esquire 30796
	Name of attorney for debtor(s)
	500 East Main Street Suite 1230
	Norfolk, VA 23510
	Address of attorney [or pro se debtor]
	Tel. # 757.622.1621
	Fax # 757.623.3250
	ERTIFICATE OF SERVICE ice and attached Chapter 13 Plan and Related Motions were served upon the
irst class mail in conformity with the re	equirements of Rule 7004(b), Fed.R.Bankr.P; or
certified mail in conformity with the req	quirements of Rule 7004(h), Fed.R.Bankr.P
on this <u>August 19, 2013</u> .	
	Isl James L. Pedigo, Jr., Esquire James L. Pedigo, Jr., Esquire 30796 Signature of attorney for debtor(s)

Ver. 09/17/09 [effective 12/01/09]

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B6I (Off	icial Form 6I) (12/07)			
ln re	Lornell Omediga Holley		Case No.	13-72910-FJS
		Debtor(s)		

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE				
Deotor's Wartar Status.	RELATIONSHIP(S): AGE(S):				
Married	Son		17 Years		
	Son		19 Years		
Employment:	DEBTOR		SPOUSE		
Occupation	Physical Science Tech	Music	Minister		
Name of Employer	NAVFAC Midlant		Prove Baptist Church		
How long employed	30 Years	9 Years			
Address of Employer	Defense Finance and Accounting Services-Cleveland; Attn: DFAS-HGA/CL P.O. Box 998002 Cleveland, OH 44199-8002	1034 A	lbert Avenue ৻, VA 23513		
INCOME: (Estimate of average or	projected monthly income at time case filed)		DEBTOR		SPOUSE
	d commissions (Prorate if not paid monthly)		\$ 4,094.17	\$	2,180.15
2. Estimate monthly overtime			\$ 0.00	\$_	0.00
3. SUBTOTAL			\$4,094.17	\$_	2,180.15
4. LESS PAYROLL DEDUCTION	IS				
 a. Payroll taxes and social sec 			\$ 624.06	\$	257.42
b. Insurance	•		\$ 691.02	\$ _	0.00
c. Union dues			\$ 37.40	- - -	0.00
d. Other (Specify): Ret	irement		\$ 389.49	<u> </u>	0.00
Cha	arity		\$ 21.70	\$ -	0.00
· ···· ··· · · · · · · · · · · · · · ·					
5. SUBTOTAL OF PAYROLL DE	DUCTIONS		\$1,763.67	\$_	257.42
6. TOTAL NET MONTHLY TAKE	E HOME PAY		\$ 2,330.50	\$_	1,922.73
	of business or profession or farm (Attach detailed state	ment)	\$0.00	\$	0.00
8. Income from real property			\$ 0.00	\$	0.00
Interest and dividends			\$ 0.00	\$	0.00
 Alimony, maintenance or support dependents listed above 	ort payments payable to the debtor for the debtor's use	or that of	\$ 0.00	\$	0.00
11. Social security or government a	ssistance			-	
(Specify):			\$ 0.00	\$	0.00
		····	\$ 0.00	\$	0.00
12. Pension or retirement income			\$ 0.00	\$	0.00
13. Other monthly income					
(Specify): Part-Time Jo			\$0.00	\$	450.00
Pro Rata Tax	Refund		\$ 475.00	\$	0.00
14. SUBTOTAL OF LINES 7 THR	OUGH 13		\$475.00	\$	450.00
15. AVERAGE MONTHLY INCO	ME (Add amounts shown on lines 6 and 14)		\$	\$_	2,372.73
16. COMBINED AVERAGE MON	NTHLY INCOME: (Combine column totals from line)	15)	\$	5,178	.23

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

^{17.} Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

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B6J (Official Form 6J) (12/07)

In re Lornell Omediga Holley	Case No.	13-72910-FJS
Debtor(s)		
SCHEDULE J - CURRENT EXPENDITURES	OF INDIVIDUA	L DEBTOR(S)
Complete this schedule by estimating the average or projected monthly e	xpenses of the debtor and t	he debtor's family at time
case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, c expenses calculated on this form may differ from the deductions from income	or annually to show monthly allowed on Form 22A or 2	y rate. The average monthly 22C.
Check this box if a joint petition is filed and debtor's spouse maintains a	separate household. Comp	lete a separate schedule of
expenditures labeled "Spouse."		•
1. Rent or home mortgage payment (include lot rented for mobile home)		\$ 1,421.51
a. Are real estate taxes included? Yes X	No	
b. Is property insurance included? Yes X	No	
2. Utilities: a. Electricity and heating fuel		\$ 475.50
b. Water and sewer		\$ 87.15
c. Telephone d. Other See Detailed Expense Attachment		\$ 163.00
3. Home maintenance (repairs and upkeep)		\$198.00
4. Food		\$ <u>0.00</u> \$ 750.00
5. Clothing		\$ 750.00
6. Laundry and dry cleaning		\$ 28.00
7. Medical and dental expenses		\$ 35.00
8. Transportation (not including car payments)		\$ 450.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.		\$ 100.00
10. Charitable contributions		\$ 60.00
11. Insurance (not deducted from wages or included in home mortgage paym	ents)	
a. Homeowner's or renter's	•	\$ 0.00
b. Life		\$ 0.00
c. Health		\$ 0.00
d. Auto		\$ 163.54
e. Other		\$0.00
12. Taxes (not deducted from wages or included in home mortgage payments	s)	•
(Specify) Internal Revenue Service		\$150.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payme	nts to be included in the	
plan)		
a. Auto b. Other Maintenance for Condo		\$
c. Other		\$ 58.83
14. Alimony, maintenance, and support paid to others		\$ 0.00
15. Payments for support of additional dependents not living at your home		\$ 0.00
16. Regular expenses from operation of business, profession, or farm (attach	detailed statement)	\$ <u>0.00</u> \$ 0.00
17. Other See Detailed Expense Attachment	detailed statement)	\$ 660.00
	0.0000000000000000000000000000000000000	
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17, Report also on S		\$ 4,900.53
if applicable, on the Statistical Summary of Certain Liabilities and Related D	•	
19. Describe any increase or decrease in expenditures reasonably anticipated	to occur within the year	
following the filing of this document:		
		<u> </u>
20. STATEMENT OF MONTHLY NET INCOME		
a. Average monthly income from Line 15 of Schedule I		\$5,178.23
b. Average monthly expenses from Line 18 above		\$ 4,900.53
c. Monthly net income (a. minus b.)		\$277.70

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B6J (Official Form 6J) (12/07)			
In re Lornell Omediga Holley	Case No.	13-72910-FJS	
Debtor(s)			
SCHEDULE J - CURRENT EXPENDITURES OF INDIV	IDUAL DE	BTOR(S)	
Detailed Expense Attachment			
Other Utility Expenditures:			
Bundle		\$	158.00
Pest Control		\$	40.00
Total Other Utility Expenditures		\$	198.00
Other Expenditures:			
Miscellaneous Expenses (Husband)		\$	135.00
Miscellaneous Expenses (Wife)	_	\$	135.00
Wife's Chapter 13 Plan Payment	-	\$	390.00
Total Other Expenditures		\$	660.00

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First Premier Bank 3820 N. Louise Avenue Sioux Falls, SD 57107-0145 IndyMac Mortgage Services P.O. Box 4045 Kalamazoo, MI 49003-4045

Linda A. Holley 3301 Andrews Drive Chesapeake, VA 23323-1944

nTelos c/o I.C. System 444 Highway 96 E; POB 64437 Saint Paul, MN 55164-0437

Office of the U.S. Trustee 200 Granby Street Room 625 Norfolk, VA 23510

Penn Foster c/o American Credit & Coll. One Montage Mountain Road Moosic, PA 18507

Tidewater Emergency Medical Ca c/o Cooper, Spong & Davis 200 High Street, Suite 500 Portsmouth, VA 23704-3703

Wilderness Presidential Resort 9220 Plank Road Spotsylvania, VA 22553

Wyndham Vacation Ownership 10750 W. Charleston Boulevard Suite 130 Las Vegas, NV 89135